

1 Michael R. Lozeau (State Bar No. 142893)
2 Richard Drury (State Bar No. 163559)
3 Christina M. Caro (State Bar No. 250797)
4 LOZEAU DRURY LLP
5 410 12th Street, Suite 250
6 Oakland, California 94607
Tel: (510) 836-4200
Fax: (510) 836-4205 (fax)
E-mails: michael@lozeaudrury.com
richard@lozeaudrury.com
christina@lozeaudrury.com

Attorneys for Plaintiffs
CALIFORNIA SPORTFISHING PROTECTION
ALLIANCE and PETALUMA RIVER COUNCIL

9 James E. Sell
10 William R. Fenner
PARTON | SELL | RHOADES
11 750 Lindaro St., Suite 140
San Rafael, CA 94901
12 Tel: (415) 258-9700
Fax: (415) 258-9739 (fax)
13 E-mails: jsell@partonsell.com
wfenner@partonsell.com

14 Attorneys for Defendants SHAMROCK MATERIALS, INC.,
15 CORTO MENO SAND AND GRAVEL, LLC, and
CORTO MENO SAND AND GRAVEL II, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

18 CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE, a non-profit
19 corporation, PETALUMA RIVER
COUNCIL, an unincorporated association,

Plaintiffs.

vs.

22 SHAMROCK MATERIALS, INC., a
23 corporation; CORTO MENO SAND AND
24 GRAVEL, LLC, a limited liability company,
CORTO MENO SAND AND GRAVEL II,
LLC, a limited liability company,

Defendants.

Case No. C11-02565 MEJ

**STIPULATION AND [PROPOSED] ORDER
ESTABLISHING A BRIEFING SCHEDULE
FOR MOTION TO DISMISS AND FOR
EXTENDING THE DEADLINE FOR
INITIAL DISCLOSURES**

Hearing Date: n/a

Time: n/a

Courtroom: B, 15th Floor

The Hon. Magistrate Judge Maria-Elena James

1 WHEREAS, on May 26, 2011, Plaintiffs California Sportfishing Protection Alliance and
2 Petaluma River Council filed their Complaint for Declaratory and Injunctive Relief and Civil
3 Penalties (“Complaint”);
4

5 WHEREAS, on August 10, 2011, Plaintiffs served a notice of the lawsuit and request for
6 waiver of service of summons on each of the Defendants;
7

8 WHEREAS, on August 11, 2011, Defendants Shamrock Materials, Inc., Corto Meno Sand
9 and Gravel, LLC, and Corto Meno Sand and Gravel II, LLC waived service of the complaint and
10 summons;
11

12 WHEREAS, Defendants’ answer or response to the Complaint is due on or before
13 October 10, 2011;
14

15 WHEREAS, Defendants intend to respond to the Complaint by filing a motion to dismiss
16 on October 10, 2011 with a hearing date set for November 17, 2011 or as soon thereafter as the
17 motion can be heard by the Court;
18

19 WHEREAS, in order to accommodate the existing schedules and hearings in other
20 matters being handled by counsel, the parties wish to adjust the deadlines for Plaintiffs’ response
21 and Defendants’ reply to the motion to dismiss;
22

23 WHEREAS, Defendants have requested and CSPA has consented to an extension of the
24 date by which initial disclosures pursuant to Federal Rules of Civil Procedure, Rule 26 are to be
25 exchanged by the parties;
26

27 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties,
28 through their respective counsel:

29 1. That a motion to dismiss and accompanying brief in support thereof by Defendants
30 be filed and served not later than October 10, 2011, setting a hearing date of November 17, 2011
31 or as soon thereafter as the motion can be heard by the Court;
32

33 2. That Plaintiffs’ opposition to the motion to dismiss be filed and served ~~not later~~
34 ~~than October 26, 2011;~~ in accordance with Civil Local Rule 7;
35

36 3. That Defendants’ reply brief in support of the motion to dismiss be filed and
37 Stip. and [Proposed] Order Establishing a Briefing
38 Schedule for Motion to Dismiss and For Extending the
39 Deadline for Initial Disclosures

served not later than November 3, 2011; in accordance with Civil Local Rule 7;

4. That the parties exchange their initial disclosures pursuant to Rule 26(a)(1) on or before December 16, 2011.

Dated: September 23, 2011

Respectfully submitted,

LOZEAU DRURY LLP

Dated: September 23, 2011

Respectfully submitted,

PARTON | SELL | RHOADES

By:

/s/ James E. Sell

James E. Sell

William R. Fenner
Attorneys for Defendants Shamrock Materials, Inc., Corto
Meno Sand and Gravel LLC, and Corto Meno Sand and
Gravel II LLC

*I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

September 27, 2011

Dated: _____

Magistrate Judge Maria-Elena James